IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 330 of 2005

Between:

Yama Chandrasekhar, S/o. Late Krishna Murthy,
R/o. Yedulapauram Village, Khammam Rural (Mandal),

Khammam District.

..... PETITIONER

AND

1 The District Collector, Khammam District.
2 The Mandal Revenue Officer, Khammam Rural Mandal,

Khammam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue writ or direction preferably writ of mandamus declaring the notice issued by the 2nd respondent in Rc.No.C/586/03 dt. 27.12.2004 as illegal, arbitrary, without authority and violative of principles of natural justice and consequently direct the respondents and their subordinates not to dispossess the petitioner from the land admeasuring Ac.2.36 gts in Sy.No.142/4 situated at Yedulapuram (V), Khammam Rural (M), Khammam District, and pass such other or further orders as this Honourable Court deems fit and proper in the circumstances of the Case.

Counsel for the Petitioner: MR.KOWTURU VINAYA KUMAR

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following:

ORDER:

The petitioner approached this Court through this writ petition seeking a mandamus declaring the notice issued by the 2nd respondent in RC No.C/586/03, dated 27.12.2004, as illegal and arbitrary.

The petitioner claims to be owner of dry land admeasuring Ac.2.36 guntas in Sy.No.142/4 situated at Yedulapuram village of Khammam District. It is alleged that the Government issued a final patta certificate on 02.05.1970 in the name of his father for the land in question, and since then his father used to cultivate the said land till his death, and after his demise, the petitioner is in continuous possession of the same. The grievance of the petitioner is that the 2nd respondent issued the impugned notice though he has been cultivating and enjoying the land in question.

Heard the learned counsel for the petitioner and the learned Government pleader appearing for the respondents. Both the counsel agreed for disposal of the writ petition at the admission stage.

On instructions, the learned Government Pleader for revenue submitted that as the petitioner has violated the Rule (2) of Final Patta Certificate, the impugned notice has been issued to show cause why the land in question cannot be taken back as per Rule (10).

Since the impugned notice is only a show cause notice, the petitioner is at liberty to ventilate his grievances by submitting his explanation.

In that view of the matter, I deem it appropriate to give a direction to the petitioner to submit his explanation to the 2nd respondent, and on such explanation, the 2nd respondent shall consider the same and pass appropriate speaking order thereon. Till such time, the respondents are directed not to evict the petitioner from the land in question.

With the above directions, the Writ Petition is disposed of. No costs.

ASSISTANT REGISTRAR

Dated: 20.01.2005

Dsr/nsr

To:

1. The District Collector, Khammam

2. The Mandal Revenue Officer,

Khammam Rural Mandal, Khammam District

3. Two CCs to the Government Pleader for Revenue,

High Court Buildings, Hyderabad (OUT)

4. Two CD copies